

Johnson Enterprises, Inc.

E. Gordon Johnson, President

STUDIOS

338 South KLEY Drive
Wellington, KS 67152
(800) 850-3341
www.kleyam.com
FAX: (620) 326-8512

WELLINGTON OFFICE

P.O. Box 249
338 S. KLEY Drive
Wellington, KS 67152
(620) 326-3341
www.kwme.com

WINFIELD OFFICE

P.O. Box 633
Suite 213 1st Nat'l Bank Bldg
Winfield, KS 67156
(620) 221-3341
www.kkle.com
E-MAIL: kley@sutv.com

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Johnson Enterprises, Inc., owner and operator of KLEY-AM, KKLE-AM and KWME-FM would like to voice opposition to the FCC's rulemaking proposal to require stations to record all of their on-air programming, whether it involves a significant portion of the day, i.e., 6 am to 10 pm, or the entire 24 period. It is our belief that this proposal places an undue burden on broadcasters, particularly those in small, rural markets where advertising dollars have become harder and harder to find.

It is quite understandable that the FCC would like to have credible evidence in cases where stations are accused of broadcasting indecent or inappropriate material, but what percentage of stations are historically involved in such behavior? Is it an overwhelming number which would require ALL stations to provide such evidence? That seems doubtful. Recording 18 hours a day on our three stations would require technology we don't currently have, and would have to purchase. And we're probably not the only ones. Is it absolutely necessary to force stations to spend extra money on equipment intended to provide evidence against themselves, when most of us have never been accused once of indecency offenses? We believe the answer is no.

We urge the FCC to consider the consequences for small market operators when making regulations such as this. Large corporate operators may be able to afford extra equipment which does not serve a purpose in actual broadcasting. Most small market stations can not.

Further, in the American system of jurisprudence, it is incumbent upon the prosecutors to provide evidence against the accused, who is presumed innocent until proven guilty. Are we in broadcasting so much different? Must we be presumed guilty until proven innocent? And then must we provide evidence against ourselves for our accusers?

There can be no doubt that the industry has in some ways lost sight of its responsibilities to air quality programming which serves the public interest, and that there are those who repeatedly violate the rules. Perhaps if the FCC is seeking to find evidence in indecency cases that it require only those who are habitual violators to record their programming. Punish those who have proven themselves to be a problem, not the entire industry along with them.

E. Gordon Johnson, President, Johnson Enterprises, Inc.

Vernon O. Napier, Jr., Operations Manager, KLEY-AM, KKLE-AM, KWME-FM

